

RESOLUTION NO. R-2018-193

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED FIRST AMENDMENT TO THE RECYCLABLE PROCESSING SERVICES AGREEMENT WITH PROGRESSIVE WASTE SOLUTIONS OF FL, INC., D/B/A WASTE CONNECTIONS OF FLORIDA.

WHEREAS, the Department of Public Works, Environmental Services Division required an agreement with a qualified contractor to provide recyclable processing services Citywide; and

WHEREAS, on July 2, 2013, the City entered into an agreement with Ecological Paper Recycling, Inc. of Opa-locka, Florida, for Recyclables Processing Services for an initial five year term with the option to renew for two additional five year periods under the same terms and conditions of the initial term; and

WHEREAS, on May 7, 2014, the City Commission passed and adopted Resolution Number R-2014-111, which approved the termination of the agreement with Ecological Paper Recycling, Inc., without cause; and

WHEREAS, on May 7, 2014, the City Commission passed and adopted Resolution Number R-2014-111, which authorized the issuance of blanket purchase order number B002583 to Progressive Waste Solutions of FL, Inc., f/k/a Waste Services of Florida, Inc. and now d/b/a Waste Connections of Florida ("Waste Connections") for Recyclable Processing Services, in accordance with Bid F-4365-13-IS, under the same terms and conditions as the initial term for an annual estimated revenue amount of \$226,560.00; and

WHEREAS, the City Commission has directed the Department of Public Works to conduct a solid waste analysis, researching various options for solid waste services, including but not limited to commingled disposal services; and

WHEREAS, the Department of Public Works has contracted with a Solid Waste Consultant that specializes in consulting and procurement services in the area of solid waste; and

WHEREAS, the current contract with Waste Connections expires on July 3, 2018, unless renewed by the parties for an additional five year period; and

WHEREAS, as the solid waste analysis will overlap with any renewal of the services provided by Waste Connections under the existing contract, City staff determined that it is necessary to shorten the renewal term in order to allow both the City and Consultant to explore the various options determined as an outcome of the analysis and to have continuity to provide the services during such time; and

WHEREAS, Waste Connections has offered the City an interim agreement at no cost to the City, but the recyclable processing revenue share (rebate) set forth in the current agreement will change from 35.5% per ton to 0% per ton during this extension term only, and the City will be foregoing any revenue sharing during this interim agreement period which will expire on July 31, 2019; and

WHEREAS, it is in the City's best interest to extend the current agreement; and

WHEREAS, Section 38.40(C)(8) provides that when the City Commission declares by a 5/7ths vote that competitive bidding and competitive proposals are not in the best interest of the City, such purchases are exempt from the competitive bidding and competitive proposal requirements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution by the appropriate City officials of the attached First Amendment to the Recyclables Processing Services Agreement with Waste Connections of Florida, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 6 day of June, 2018.

ATTEST:

  
PATRICIA A. CERNY, MMC, CITY CLERK

  
JOSH LEVY, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

  
DOUGLAS R. GONZALES, CITY ATTORNEY

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF  
HOLLYWOOD, FLORIDA AND PROGRESSIVE WASTE SOLUTIONS OF FL,  
INC., F/K/A WASTE SERVICES OF FLORIDA, INC., FOR RECYCLABLES  
PROCESSING SERVICES**

THIS FIRST AMENDMENT to the Agreement dated July 3, 2013, is made and entered into on \_\_\_\_\_, 2018, by and between the City of Hollywood, a municipal corporation of the State of Florida ("City"), and Progressive Waste Solutions of FL, Inc., a Delaware Corporation authorized to do business in the State of Florida, d/b/a Waste Connections of Florida ("Vendor").

**RECITALS**

WHEREAS, on May 8, 2014, the City and Progressive Waste Solutions of FL, Inc., f/k/a Waste Services of Florida, Inc., d/b/a as Waste Connections of Florida, entered into an agreement pursuant to Bid No. 4365-13-IS for Progressive Waste Solutions of FL, Inc. to provide recyclables processing services; and

WHEREAS, on June 6, 2018, the City Commission passed and adopted Resolution No. R-2018-\_\_\_\_\_, which approved and authorized the execution of this First Amendment to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, and for other valuable consideration received, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. That Article II of the Agreement entitled "Term" is amended as follows:

The Interim Term of this Agreement shall be from July 3, 2018 to July 31, 2019.

2. That Article IV of the Agreement entitled "Revenue" is amended as follows:

That for the Interim Term of this Agreement, said services shall be provided to the City at no cost, and any City Program Recyclables Revenue that was to be received by the City under the current existing Agreement is hereby suspended, and not accrued.

3. All other terms and conditions of the May 8, 2014 Agreement shall remain in full force and effect.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

ATTEST:

CITY OF HOLLYWOOD, a municipal Corporation of the State of Florida

\_\_\_\_\_  
Patricia A. Cerny, MMC  
City Clerk

By: \_\_\_\_\_  
Josh Levy, Mayor

Approved as to form and legal sufficiency for the use and reliance of the City of Hollywood, Florida, only.

Approved by: \_\_\_\_\_  
Cintya Ramos, Director  
Financial Services

\_\_\_\_\_  
Douglas R. Gonzales, City Attorney

Witness:

Progressive Waste Solutions of FL, Inc.,  
d/b/a Waste Connections of Florida

\_\_\_\_\_  
Secretary  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Signature  
Title: \_\_\_\_\_